

Justice and Healthcare: some questions

Many societies, and nearly all wealthy, developed countries, provide universal access to a broad range of public health and personal medical services.

- Is such access to healthcare a requirement of social justice, or is it simply a matter of social policy that some countries adopt and others do not?
- If required by social justice, what kinds of care do we owe people and how do we determine what care is owed if we cannot possibly meet every health need?

Other countries with universal healthcare

Nearly all developed countries provide all their residents with access to a broad set of public healthcare despite income and wealth inequalities.

Canada's system funded through general tax revenues.

UK: funded by progressive tax scheme. Allows supplementary insurance.

Middle-income countries: South Korea and Taiwan have adopted universal coverage insurance schemes.

Mexico has added insurance schemes aimed at covering the nearly half of their populations that had not been covered in the social security schemes and other insurance schemes given to civil servants.

What the US does

US is alone among wealthy developed countries in not providing universal coverage through some form of health-care insurance.

What we have:

- Universal coverage for the elderly (Medicare)
- Public insurance for its poorest adults and children (Medicaid/in CA—MediCal)
- Requires all hospitals to provide emergency care to those in the most urgent need.

Almost half of all health expenditures are public.

But some 47 million Americans in 2006, mostly the employed near-poor, lack any health care insurance, and millions with inadequate insurance coverage.

There are neighborhood clinics and such, but the care they get is "a little, too late."

Barriers: financial and non-financial

Financial: lack of subsidized or affordable insurance coverage for 47 million Americans.

Non-financial:

- **discrimination and exclusion, such as racism and gender-bias.**
 - E.g., certain health conditions are much higher among African Americans and they are less likely to receive important treatments for a range of serious illnesses
- Until some advocacy groups came along (e.g. National Breast Cancer Coalition) some women's diseases were underfunded in the US
- **Language and cultural barrier**
 - There are many failures to meet health needs because of cultural views about disease and medical care.

So, it's complicated.

Justice and Health Care

“Is There a right to Health
Care...?” : Norman Daniels

Revisiting the Nature of Rights

A right can be conceived of as a:

- Liberty
- Claim held against other people

Revisiting the Nature of Rights

Our claim against others can be negative (a negative right) or it can be positive (a positive right).

What do our negative and positive rights require of other people?

Negative rights require others to refrain from doing something to us.

Positive rights require that others do something for us (help, benefit us).

The Right to Health Care

For any given person, the right to health care is *typically* thought of as positive right that others (society as a whole) give of some of their resources so as to ensure she has access to 'basic' medical care.

The right to health care can be conceived of as either a *legal* right or a *moral* right, or both.

- One has a legal right that x obtain when the law of their particular society requires or permits that x obtains.
- One has a moral right that x obtain when morality or justice requires that x obtains.

The Right to Health Care

Americans, for example, don't have a legal right to basic health care; but we may have a moral right.

So what is 'basic' health care (basic medical resources)?

It's not emergency care, nor is it enhancement services

The Argument from Equal Opportunity

We as a society are obligated to one another to ensure that everyone has access to 'basic' health care b/c we as a society are obligated to do what we can to protect one another from things that will take away or hinder the opportunities we have before us.

It's a given that humans have life goals, skills, natural abilities, and which society we live in determine how reasonable our life goals are.

Any individual with a reasonable life plan will have set before them a set of opportunities to achieve their goals (e.g. going to medical school).

The Argument from Equal Opportunity

Things that are not your fault can hinder you pursuing your life plan.

- E.g. someone can physically harm you, or discriminate against you.

We owe each other whatever it takes to prevent these harms from occurring.

The bottom line is that all of us should be spared certain kinds of impediments to opportunity.

Curable and preventable disease and disability is such an impediment. Disease and disability take away your ability to function normally.

The Argument from Equal Opportunity

Thus, we *owe* each other whatever it takes to ensure that we function normally, so that we are able to make good on the opportunities that life presents us.

What does “normal function” mean?

Daniels does not want conflate health with well-being as the WHO does (“Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”)

Although health includes both mental and physical health, “health” is a limited concept, i.e., (I cannot increase in health infinitely)

Recap of the argument from equal opportunity

All of us have the obligation to do whatever it takes to protect one another from *certain* impediments that can take away the various opportunities we have to achieve our life goals.

Disease and disability is such an impediment; they keep us from functioning normally which restricts the range of opportunities we would otherwise have.

What are these opportunities?

Opportunities are person-relative. They are whatever one sees as a chance to fulfill a life goal (or set of goals) e.g. maybe a relationship, maybe entrance into law school, whatever.

Questioning the argument

Why think that a system of taxation and redistribution is the best way to fulfill this duty we have to each other?

Why think this positive duty we have to protect one another from impediments to opportunity is a perfect as opposed to imperfect?

(A perfect duty must be fulfilled under any circumstances and specifies a particular action, while an imperfect duty may be overridden and allows a significant degree of freedom in deciding how to comply with it.)